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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,610	07/12/2001	Yvon Buard	BIF114205/US	1296

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/902,610

Applicant(s)

BUARD, YVON

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3677

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 12 July 2001 has been considered for this Office Action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said lateral flanges" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geraerds (US 1,246,585).

Geraerds discloses a device (12,25) for joining two panels (10,11) including a plate (12, 25) for joining the two panels. The plate having on each of its edges longitudinal tongues (13,14, 15,24,27,28,29,30) adapted to bear on two opposite faces of each panel (Fig. 4). The tongues are substantially plane (Figs. 2-6) and are adapted to bear elastically against the opposite faces of each panel (Fig. 4). Geraerds fails to disclose the thickness of the tongues. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tongues with a thickness from about 0.2 mm to about 1 mm because a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from these dimensions. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Geraerds also discloses that

- Three longitudinal tongues (13,14,15,26,27,28,29,30) on each edge of the plate adjacent a cut edge of the panel are disposed in an arrangement resembling the shape of a winners' podium (Fig. 6) where two end tongues (13,27,28,29,30) are positioned on the top face of the plate so as to be placed against the top face of the panel (Figs. 1 and 4). A central tongue (14,15,26) is positioned on a bottom face of the plate so as to be placed against a bottom face of the panel (Figs. 1 and 4).
- The longitudinal tongues of the device have the same thickness (Figs. 1-6)
- The plate is plane and has at least two transverse ends adapted to be placed adjacent to the cut edges of the panels (Figs. 2, 3, 5 and 6)

- The two transverse ends of the plate are at an angle to each other enabling connection of two lengths of panels extending in two different directions in the same plane (Fig. 4)

- The plate has two parts with an inside or outside corner between them (Fig. 4). Each edge of each part of the plate adapted to be placed adjacent a cut edge of the panel is provided with longitudinal tongues (13,14,15,26,27,28,29,30)

- The tongues are adapted to bear elastically on opposite faces of the panels (Fig. 4)
- The two parts of the plates are fixed relative to each other (Fig. 4)

Regarding to having tongues with a thickness of 0.5 mm, as mentioned above, a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from this dimension.

Geraerdt discloses that the plate is one metal piece. Geraerdt fails to disclose that the plate is molded from a plastic material. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the plate of plastic because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

7. Claims 1, 2, 6, 7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Document FR 2 731 496 A1 (FR '496).

FR '496 discloses a device (20) for joining two extrusions (10) including a plate (20) for joining the two extrusions. The plate having on each of its edges longitudinal tongues (25,26,35,36) adapted to bear on two opposite faces of each extrusions (Fig. 1). The tongues are

Art Unit: 3677

substantially plane (Figs. 1 and 2) and are adapted to bear elastically against the opposite faces of each panel (Fig. 1). FR '496 fails to disclose the thickness of the tongues. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tongues with a thickness from about 0.2 mm to about 1 mm because a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from these dimensions. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

FR '496 also discloses that

- Three longitudinal tongues (25,26,35,36) on each edge of the plate adjacent a cut edge of the extrusions are disposed in an arrangement resembling the shape of a winners' podium (Figs. 1 and 2) where two end tongues (25,35) are positioned on the top face of the plate so as to be placed against the top face of the extrusion (Figs. 1 and 2). A central tongue (26,36) is positioned on a bottom face of the plate so as to be placed against a bottom face of the extrusion (Figs. 1 and 2).
- The two transverse ends of the plate are at an angle to each other enabling connection of two lengths of extrusions extending in two different directions in the same plane (Figs. 1 and 2)
- The plate has walls (61,71) on its longitudinal edges adapted to be aligned with lateral flanges of the extensions to provide continuous walls (Fig. 1).
- The plate has two parts with an inside or outside corner between them (Figs. 1 and 2). Each edge of each part of the plate adapted to be placed adjacent a cut edge of the extrusion is provided with longitudinal tongues (25,26,35,36)

Art Unit: 3677

- The tongues are adapted to bear elastically on opposite faces of the panels (Fig. 1)
- The parts of the plates are articulated together by a junction part forming a hinge

(23) (Figs. 1 and 2)

- The plate is molded in one piece from a plastic material (Abstract)

Regarding to having tongues with a thickness of 0.5 mm, as mentioned above, a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from this dimension.

#### *Allowable Subject Matter*

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sutter (US 3,352,071), Wendt (US 3,989,398), Macuga et al. (US 4,114,326), Chou (US 5,671,580), Quillin (US 5,966,893) and Desrochers (US 6,408,922 B2) are cited to show state of the art with respect to connectors having at least one edge provided with tongues arranged in a winners' podium configuration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881.

The examiner can normally be reached on M-F 07:15 - 15:45.

Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

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(Signature)



Art Unit: 3677

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*RCR*  
rcr  
July 25, 2002

  
ROBERT J. SANDY  
PRIMARY EXAMINER